

Remarks

Claims 39-86 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,948,040 to DeLorme et al. Claims 67 and 79 have been canceled. Claims 63 and 75 have been amended, and a Version with Markings to Show Changes Made to these claims is attached hereto as an Appendix. As set forth below, DeLorme fails to teach or suggest the claimed invention represented by claims 39-66, 68-78 and 80-86. Accordingly, these claims are patentable over DeLorme and the application is therefore in condition for allowance.

The claimed invention is directed to a technique for providing concierge-type services to a user. Independent claim 39 discloses a method for providing concierge-type services by receiving a request for such services and attempting to fulfill the request. The claimed method further includes “setting a time limit when the attempt is unsuccessful” and “performing an action in an attempt to fulfill the request . . . when the time limit is reached.” As described in the Specification: “After each change of status, the fulfillment agent or the system automatically sets a next action time for his attention sometime in the future.” (Specification, page 22, line. 32 - page 23, line 2). For example, the time limits may be established automatically or manually:

“Whenever further actions are required on the [fulfillment] ticket, the system automatically establishes a time and date for the next further action to be taken. The system uses a simple algorithm to establish the time and date for the next action. . . . Thus auto next action time may be manually overridden.”

(Id., at p. 14, col. 17-25.)

DeLorme, however, fails to teach or suggest setting a time limit when an attempt to fulfill a concierge-type service is unsuccessful, and therefore also fails to teach or suggest performing an action when such a time limit is reached. DeLorme is directed to a system for travel reservation and planning, and generates documentation relating to such travel plans. Although DeLorme discloses receiving temporal information relating to a reservation (see, e.g., col. 50, lines 31-35), it nowhere discloses establishing a time limit when an attempt to fulfill a

concierge-type request is unsuccessful and for performing an action in an attempt to fulfill the request when the time limit is reached. The Examiner concedes this as well. (August 13, 2002 Office Action (“What DeLorme et al. does not specifically teach is time limits, updating status of fulfillment requests, and scheduling attempts to provide a user or customer with requested information.”).)

The Examiner postulated that, because DeLorme contemplates event ticketing and airline reservations, it is inherent that time limits are involved. (August 13, 2002 Office Action, p. 3.) This postulation, however, is specious. Although event ticketing and airline reservations may involve time limits, DeLorme certainly does not “inherently” include time limits which are established when, as required by claim 39, an attempt to fulfill a concierge-type request is unsuccessful. (See MPEP, § 2112: “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.”) The Examiner provides examples wherein a time limit may be invoked due to the time of “events” or “airline reservations.” The Examiner also provides examples in which calls to a call center are placed in a “queue,” where callers are asked to “wait” on the telephone or where “callbacks” are scheduled. Establishing a time limit based on the time of an event, time of an airline flight, a queue, a request that user wait or be called back, however, does not “inherently” describe, or describe at all for that matter, a situation where a time limit is established when an attempt to fulfill a concierge-type request is unsuccessful, as claim 39 recites. Thus, the method of claim 39 is patentable over DeLorme. Moreover, because claims 40-56 depend from claim 39, these claims are likewise patentable over DeLorme.

Independent claim 57 is directed to a method for fulfilling a request for concierge-type services including “receiving the request, which concerns selected goods or services,” “identifying a provider of the selected goods or services” and “selecting an agent . . . to fulfill the request for the concierge-type service . . . based on a location of the agent relative to the location of the provider.” Although DeLorme discloses a system that receives a request for, for example, a reservation for dining at a restaurant establishment (a provider) (see, e.g., col. 19, lines 32-58),

DeLorme nevertheless fails to disclose a method or system where an agent is selected to fulfill the request based on a location of the agent relative to the location of the provider.

The Examiner asserted that selecting an agent to fulfill a request for a concierge-type service based on a location of the agent relative to the location of the provider is “inherent” in DeLorme as “an agent, whether local to that area or an actual agent of the restaurant would have to fulfill the reservation request.” This assertion, however, is flawed. First, an “actual agent” of the restaurant would be the provider, not an agent to process the request for selected goods or service of a provider. Second, because DeLorme does not make any mention or suggestion as to the location of a person or entity that can fulfill a request for goods or services, it is incorrect that DeLorme “inherently” provides that an agent that is local to the area of the restaurant “would have to fulfill the reservation request.” Finally, the Examiner’s hypothetical example wherein a user (not an agent) alters or modifies the request for certain goods or services when the user is in the locale of the provider of such goods or services in no way teaches or suggests “selecting an agent . . . to fulfill the request for the concierge-type service . . . based on a location of the agent relative to the location of the provider.” In this hypothetical, there is no agent and no selection made; a user is instead merely contacting a provider to change the request. Thus, the method of claim 57 is patentable over DeLorme. Moreover, because claims 58-62 depend from claim 57, these claims are likewise patentable over DeLorme.

agent who services a user if that agent is local - that's another interpretation

DeLorme also fails to teach or suggest a method for providing an information assistance service which includes receiving a communication call from a first communication device and “searching a database for connection information concerning a desired destination party, and connecting the communication call to a second communication device associated with the desired destination party based on the connection information,” as amended method claim 63 now recites. DeLorme discloses a system in which search output relating to a third party, such as a restaurant, is transmitted to the user (see, e.g., col. 77, lines 34-44.) DeLorme nowhere teaches or suggests connecting a user of a communication call with a third party, as amended claim 63 requires. System claim 75, tracking method claim 63, includes similar limitations. As such, amended claims 63 and 75, together with their dependent claims, are patentable over DeLorme.

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In view of the foregoing, each of claims 39-66, 68-78 and 80-86, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

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By: _____



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